

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ERIC RICHARD WISE, 01382-449, §
§
Plaintiff, §
v. § Civil Action No. **3:08-CV-848-L**
§
STEVEN M. SUSCY and §
RICHARD ROPER, §
§
Defendants. §

ORDER

Before the court is Plaintiff's Original Complaint, filed May 19, 2008; and Plaintiff's Motion to Allow Case to Proceed, filed April 5, 2009. Pursuant to Special Order 3-251, the Complaint was referred to United States Magistrate Judge Paul D. Stickney. On July 17, 2008, Plaintiff amended his complaint ("Amended Complaint"), and on May 22, 2009, the Amended Findings and Recommendation of the United States Magistrate Judge ("Report") was filed. Plaintiff filed objections to the Report on June 15, 2009.

Plaintiff brings this civil rights action against Assistant United States Attorney Steven Suscy and former United States Attorney Richard Roper in their individual capacities. The magistrate judge found that Plaintiff is not entitled to relief for his claims for intentional infliction of emotion distress, RICO violations, abuse of process, and *Bivens* violations, and recommended that the amended complaint be dismissed as frivolous.

Plaintiff objects to the magistrate judge's findings and recommendation. He contends that the court should not dismiss his Amended Complaint because the magistrate judge failed to adequately read and consider it, failed to explain the reasons for his findings, and misconstrued

Plaintiff's claims. After careful review of the record, Plaintiff's objections, and the Report, the court determines that the objections are based upon Plaintiff's misunderstanding of the magistrate judge's findings, conclusions, and applicable law. Therefore, the court agrees with the magistrate judge's conclusions and **overrules** these objections.

Having reviewed the magistrate judge's Report, the amended complaint, record, and applicable law, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court, and the court **dismisses with prejudice** Plaintiff's Amended Original Complaint. The court **denies as moot** Plaintiff's Motion to Allow Case to Proceed.

It is so ordered this 25th day of June, 2009.



Sam A. Lindsay
United States District Judge